

2005 DRAFTING REQUEST

Bill

Received: **08/05/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **G. Spencer Coggs (608) 266-2500**

By/Representing: **Adam Plotkin**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Coggs@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Election administration changes

Instructions:

Per City of Milwaukee Task Force recommendations, pp. 38-39.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 08/22/2005	wjackson 08/23/2005		_____			Local
/1			chaugen 08/24/2005	_____	sbasford 08/24/2005		Local Crime
/2	jkuesel 09/13/2005	wjackson 09/14/2005	rschluet 09/15/2005	_____	sbasford 09/15/2005	mbarman 12/01/2005	

FE Sent For:

at intro
12/8

<END>

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/1	jkuesel 9/13/05	12 WJ 9/14	chaugen 08/24/2005		sbasford 08/24/2005		

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DNR

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1/2	jkuesel 8/22/05	1 wj 8/23	Ch 8/24	Ch 8/24 5/8			

FE Sent For:

<END>

Kuesel, Jeffery

To: Plotkin, Adam
Subject: LRB-3549 (City of Milwaukee Election Task Force recommendations)

Adam,

Per our phone conversation of yesterday (8/4), I have entered the above bill drafting request for Sen. Coggs to amend the statutes to implement those portions of the City of Milwaukee Election Task Force recommendations that are not already contained in the Governor's Election Reform proposal (SB-249).

Of the recommendations, it appears that only the first one (Payment of deputy registrars based upon the number of registrants) is contained in SB-249 in identical form. One of the recommendations (Central processing of absentee ballots) is mandated by SB-249 but under the recommendations it would be permissive. This would involve some significant redrafting because under the recommendations, two different systems for processing absentee ballots would be provided. Some of the other recommendations require more detail before I would be able to reduce them to draft form. I will contact you when I reach this draft and we can work together to fill out the necessary details.

Jeffery Kuesel

Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us

Key Legislative Recommendations

Most of the recommendations in this official report of the City of Milwaukee Election Task Force can be implemented by making management and operational changes. However, some of the recommendations would require legislative action. Key legislative proposals follow:

- ✓ ➤ **Prohibit payment to deputy registrars based on the number of registrants.** Many voter registration groups compensate deputy registrars they engage based on the number of people they register. Prohibiting this quota system will eliminate the financial incentive to cheat by forging signatures or registering the same voter multiple times.
- ✓ ➤ **Establish earlier cut off date for pre-registration.** (13 days earlier than the current deadline). Massive voter registration drives make it extremely difficult for the Election Commission to manage enormous surges in voter registration cards associated with peak elections. The current cut off for pre-registration is 13 days before an election. Changing the deadline would greatly reduce delays and errors in processing voter registration cards and ensure more accurate poll lists. Citizens who fail to meet the cut off would not be disenfranchised because they would still be allowed to register at the polls and vote on Election Day. (X)
- **Advance the statutory due dates for –**
 - ✓ • **County submittal of ballot forms to City** (or make City of Milwaukee as the State's only first class municipality responsible for printing its own ballot forms). (X)
 - ✓ • **Voter submittal of absentee ballot request applications.** (X)
 - ✓ • **City mailing of ballot forms packet to absentee voter.** (2)
 - ✓ • **Voter submittal of completed absentee ballots.** (X)

Clearly, the current deadlines – particularly the Friday before election deadline for submitting an absentee ballot request – are unrealistic for large municipalities and compound the problems related to accurate polling place voter counts and thorough, accurate absentee ballot processing. With more time to resolve problems with requests, rejection rates for these ballots should decline dramatically.

- ✓ ➤ **Change statutes to allow the processing of Absentee Ballots centrally rather than at the polls.** This change would greatly simplify absentee ballot processing, at the same time lowering the costs and confusion associated with absentee voting. A central staff would examine and count all ballots in a consistent manner, properly recording each absentee ballot with the voter (in a secure location). Because ballots can be recorded as to voter (but not opened) before Election Day, this would enable the recording of the existence of an absentee vote associated with a given voter on the polling list before the lists are sent to the polling place. There would need to be an opportunity to allow potential challenges to absentee ballots at the central location, but this could be addressed through statutory changes as well. (X)

- ✓ ➤ **Providing adequate funding for elections.** Guaranteeing that municipalities receive adequate funding to conduct elections must be a high priority for local, state and federal officials. The 2000 election exposed the many problems in the election system and resulted in passage of the federal Help America Vote Act (HAVA) and subsequently Wisconsin Act 265. To date, Wisconsin has received approximately \$43 million under the federal Help America Vote Act (HAVA). The law provides funding in fiscal year 2003, 2004 and 2005. Although funds can be carried over and spent in subsequent years, HAVA funding is not authorized permanently.

2005

Date (time)
needed

(NOTE)
THU 8/28/04 AM

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3459, 1

BILL

WEDNESDAY

JTK

(WJ)

LPS: There are inserts to inserts.

"restore" = "plain"

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *administration of elections and making an appropriation.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3459/lins2

JTK.....

This bill makes various changes in the laws concerning the administration of elections. The changes include:

Deadline to apply for absentee ballots by mail

Currently, an application from an elector for an absentee ballot at an election that is transmitted by mail must be received by the municipal clerk or board of election commissioners no later than 5 p.m. on the Friday before the election. An application from a sequestered juror or an elector who is hospitalized may be received no later than 5 p.m. on election day. This bill provides that an application that is transmitted by mail must be received by the municipal clerk or board of election commissioners no later than 5 p.m. on the Wednesday before the election. In addition, the bill provides that an application from a sequestered juror or a hospitalized elector must be received no later than 5 p.m. on the day before election day.

Deadline for mailing of absentee ballots

Currently, each municipal clerk and board of election commissioners must mail an absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election. If an elector requests a ballot after the mailing deadline, the clerk or board must mail the ballot within one day after receiving the request. This bill requires a clerk or board of election commissioners to mail an absentee ballot after the mailing deadlines to mail the ballot to the elector no later than the end of the 2nd day beginning after the day on which the request is received.

Deadline for receipt of absentee ballots

Currently, an absentee ballot from an elector that is delivered to the municipal clerk or board of election commissioners must be received in sufficient time for the clerk or board to deliver the ballot to the polling place serving the elector's residence before 8 p.m. on election day. This bill provides that an absentee ballot from an elector that is delivered to the office of the municipal clerk or board of election commissioners must be received by the clerk or board no later than noon on election day.

Ballot information and ballot transmittal

Currently, there is no specific deadline provided for county clerks and boards of election commissioners to transmit the names of candidates for national, state and county offices and state and county referendum questions to municipal clerks and boards of election commissioners. This bill provides that county clerks and boards of election commissioners must transmit ballot information to municipal clerks and boards of election commissioners no later than 2 days after receiving the necessary information from the Elections Board. Currently, county clerks and boards of election commissioners must distribute ballots for absentee voters to municipal clerks and boards of election commissioners no later than 31 days before each September primary and general election and no later than 22 days before each other primary

and election. This bill requires county clerks and boards of election commissioners to make this distribution one day earlier.

Ballot preparation

Currently, county clerks and boards of election commissioners are generally responsible for printing or other preparation of ballots for elections, except that a municipality that uses a voting machines or electronic voting system may, with permission of the county clerk or board of election commissioners. First class cities (Milwaukee) may prepare their own ballots without this permission unless they use voting machines or an electronic voting system, in which case, the county prepares their ballots. This bill provides that first class cities may prepare their own ballots, at county expense, even if they use voting machines or an electronic voting system.

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Subsub Deadline for voter registration

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. Effective on January 1, 2006, voter registration will be required in all municipalities. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the

2005 - 2006 Legislature

- 2 -

BILL

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election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, ~~voters~~ ^{electors} may also register in person at the office of the municipal clerk or board of election commissioners until 5 p.m. on the day before the election or, in most cases, may register at the proper polling place or other designated location on election day. In addition, ~~voters~~ ^{electors} may register at any time after the deadline if the municipal clerk of the municipality where they reside determines that the registration list can be revised to incorporate their registrations in time for the election. If an elector registers at the office of the municipal clerk or board of election commissioners after the close of registration or at a polling place or other designated location on election day, the elector must present acceptable proof of residence or have another elector of the same ward or election district sign a statement corroborating the elector's registration. The corroborating elector must then present acceptable proof of residence.

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to 5 p.m. on the ~~third~~ ^{fourth} Thursday preceding the election. Under the bill, registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked no later than this deadline. However, the bill still permits electors to register in person at the office of the municipal clerk or board of election commissioners, from a hospital by agent, or at a polling place on election day after this deadline as currently provided. In addition, under the bill, electors may still register after this deadline if the municipal clerk or board of election commissioners of the municipality where they reside determines that the registration list can be revised to incorporate their registrations in time for the election.

ASSEMBLY BILL 542

building or outdoors and need not be contained in a room separated from other activities. The bill permits any qualified elector of a municipality to obtain and cast an absentee ballot at a satellite station regardless of where the elector resides within the municipality. A satellite station may be open for absentee voting at any time, but not earlier than the date on which official absentee ballots become available and not later than 5 p.m. on the day before the election. The bill also permits any elector to challenge for cause any absentee ballot that is cast at a satellite absentee voting station.

Under the bill, a satellite absentee voting station must be staffed by at least one special voting deputy who is appointed on a nonpartisan basis by the municipal clerk or board of election commissioners. The bill permits any qualified elector of the state to be appointed as a special voting deputy. The bill specifies certain minimum qualifications for the special voting deputy, such as knowledge of the English language. The municipal clerk or board of election commissioners must instruct the special voting deputy in his or her duties. The special voting deputy may be compensated at the option of the applicable municipality. The special voting deputy is required to supervise the proceedings at the satellite station to which he or she is assigned and to enforce certain election laws that apply to the satellite station. The special voting deputy is under the supervision of the municipal clerk or board of election commissioners. Under the bill, a special voting deputy is a public officer and must file an oath of office.

The bill also requires the municipal clerk or board of election commissioners to appoint at least one special registration deputy on a nonpartisan basis to staff each satellite station. The bill permits any qualified elector of the state to be appointed as a special registration deputy. The bill specifies certain minimum qualifications for the special registration deputy. The special voting deputy may be compensated at the option of the municipality. The bill permits an elector to register to vote at any satellite station at any time during which the station is open for absentee voting. With certain limited exceptions, the elector must follow the registration procedure that would otherwise apply to the elector under current law.

The bill requires each satellite station to meet current standards with regard to the accessibility of polling places and requires the posting of information at a satellite station that is generally the same as the information required to be posted at a polling place. However, whereas current law prohibits electioneering on public property within 100 feet of the entrance to a polling place, the bill generally prohibits electioneering in any building in which a satellite station is located at any time during which the satellite station is open; and if a satellite station is located outside of a building, the bill generally prohibits electioneering within 100 feet of the satellite station at any time during which the satellite station is open. The restrictions on electioneering do not apply on private property that is not owned or controlled by the same person as the property where the satellite station is located and do not apply to bumper stickers.

Absentee ballot canvassing procedure

Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted.

ASSEMBLY BILL 542

The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

This bill ~~discontinues~~ ^{permits the governing body of any municipality, by ordinance, to discontinue} the canvassing of absentee ballots at polling places. Under the bill, ~~each~~ ^{if absentee ballots are not canvassed at polling places, the} municipal board of canvassers must convene at one or more public meetings held no earlier than the seventh day after absentee ballots for an election are distributed and no later than 10 a.m. on the day after the election for the purpose of counting absentee ballots. Under the bill, the board of canvassers does not announce the results of its count until the canvass of all absentee ballots is completed on the day after an election. ~~The bill provides for each municipal board of canvassers to conduct a cross-check of absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, each municipal board of canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. To allow time for the separate canvass of the absentee ballots to be completed and to reconcile and merge the results with the canvasses conducted at polling places, the bill allows an additional 24 hours for municipal canvasses to be completed and for county canvasses to begin. The bill permits any elector to challenge for cause any absentee ballot, other than a ballot that is cast in person at the office of a municipal clerk or board of election commissioners or at a satellite absentee voting station.~~

Challenges of absentee ballots

Currently, an elector may challenge for cause the absentee ballot of any person whom the elector knows or suspects is not a qualified elector at the polling place where the absentee ballot is received. This bill permits any elector to challenge for cause the absentee ballot of any person whom the elector knows or suspects is not a qualified elector when the person casts an absentee ballot in person at the office of a municipal clerk or board of election commissioners. Under the bill, if a person casts an absentee ballot in person at the office of the municipal clerk or board of election commissioners or at a satellite absentee voting station, an elector who wishes to challenge the absentee ballot may do so only at the office of the municipal clerk or

in those municipalities where absentee ballots are not counted at polling places,

If absentee ballots are not counted at polling places, the

for cause

the

SENATE BILL 249

election that is held in the municipality. The review must include an analysis of whether all relevant laws were complied with, an assessment of whether the municipality achieved its goal to ensure a maximum waiting time of 30 minutes at polling places and if not, how the goal can be achieved at the next comparable election, and any steps that the municipality must take to improve the administration of the next election in the municipality. Currently, there is no such requirement.

Election day plans

This bill directs each municipal governing body to adopt a plan for the administration of each election in the municipality. The plan must be adopted at least 42 days before each regularly scheduled election, including each primary, and at least 21 days before each special election. The plan must be prepared with the advice of the Elections Board and must be submitted to the governing body in proposed form by the municipal clerk or board of election commissioners. The plan must include six elements: 1) procedures for preelection education of voters concerning voting eligibility and voting procedures; 2) methods to be used to ensure adequate staffing for preelection and election day activities; 3) measures that the municipality will use to ensure the orderly and efficient flow of voters at each polling place; 4) contingency plans to manage any voter turnout that is significantly higher than anticipated; 5) management controls that the municipality will use to ensure accountable and orderly processes at the election; and 6) specific procedures that the municipality will use to conduct the postelection reviews required by the bill.

Election officials

Currently, there must be at least three inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day. Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

This bill provides that each municipality shall at the general election and may at other elections appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must leave the voting room temporarily. Under the bill, the additional inspector is not entitled to participate in the canvassing process. In addition, the bill requires each municipality to appoint at least one alternate inspector to serve at each election at each polling place in the municipality.

Compensation for obtaining voter registrations

Under current law, a municipal clerk or board of election commissioners or the Elections Board may appoint special registration deputies who may register electors prior to the close of registration for any election. Any other person may also obtain

SENATE BILL 249

voter registration forms and may solicit registrations and return completed forms to a municipal clerk, board of election commissioners, or the Elections Board.

This bill prohibits any person from compensating any other person, for obtaining voter registrations, at a rate that varies in relation to the number of voter registrations obtained by the person. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both, for each offense.

Training of poll workers and special registration deputies

Currently, the Elections Board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector who has not been certified by the Elections Board as having met the requirements prescribed by the board for certification. The Elections Board must also prescribe requirements for maintaining certification. The Elections Board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the Elections Board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration (the second Wednesday before an election). Currently, municipal clerks and boards of election commissioners may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community-based residential facilities. This bill also provides for the appointment of special registration deputies and special voting deputies to serve at satellite absentee voting stations (see above). Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the Elections Board.

This bill requires the Elections Board to train all poll workers as well as special registration deputies and special voting deputies. As a part of the training, the bill requires the board to produce and conduct regular training programs and, specifically, to produce and periodically update a video program and make the program available electronically through an Internet-based system. The bill provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person is certified by the board as having met the training requirements prescribed by the board for certification. The bill also directs the board to prescribe requirements for maintaining certification. All requirements must be structured to enable a qualified individual to obtain or maintain certification solely by viewing the current applicable video training program produced by the board. The cost of training provided by the state is paid by the state (with the use of federal funds if available). Municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions.

Registration form format

Currently, the Elections Board prescribes the content of voter registration forms in accordance with statutory requirements. The forms must be printed on loose-leaf sheets or cards. This bill provides that the forms must be printed on cards

**2005-2006 DRAFTING INSERT
FROM THE
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SECTION 1. 5.05 (11) of the statutes is amended to read:

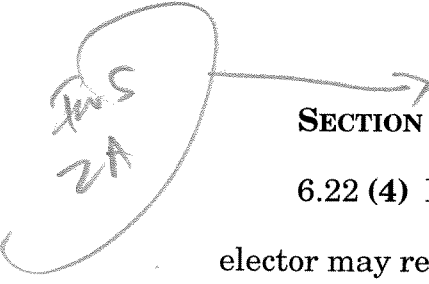
5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s. 20.510 (1) (e), (t) and (x), the board may provide financial assistance to eligible counties and municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the board shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement. Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the board.

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418, 427, 447; 1979 c. 32 s. 92 (8); 1979 c. 89, 154, 328; 1983 a. 27, 484, 524, 538; 1985 a. 303; 1985 a. 304 ss. 3, 155; 1989 a. 31, 192; 1999 a. 182; 2001 a. 109; 2003 a. 35, 265, 266, 327.

SECTION 2. 5.68 (3) of the statutes is amended to read:

5.68 (3) If Except as authorized in s. 7.15 (2) (b), if voting machines are used or if an electronic voting system is used in which all candidates and referenda appear on the same ballot, the ballots for all national, state and county offices and for county and state referenda shall be prepared and paid for by the county wherein they are used. In 1st class cities, if the city prepares its own ballots for national, state and county offices and for county and state referenda, the county shall pay for the ballots. If the voting machine or electronic voting system ballot includes a municipal or school, technical college, sewerage or sanitary district ballot, the cost of that portion of the ballot shall be reimbursed to the county or city or paid for by the municipality or district, except as provided in a 1st class city school district under sub. (2).

History: 1979 c. 260, 311, 355; 1985 a. 304; 1993 a. 399; 1999 a. 182; 2001 a. 16.

 **SECTION 3.** 6.22 (4) of the statutes is amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. A military elector's application may be received at any time. The municipal clerk shall not send a ballot for an election if the application is received later than 5 p.m. on the ~~Friday~~ Wednesday preceding that election. The municipal clerk shall send a ballot, as soon as available, to each military elector who requests a ballot. The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1999 a. 182; 2001 a. 16.

SECTION 4. 6.28 (1) of the statutes is amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the ~~2nd Wednesday~~ 4th Thursday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the ~~2nd Wednesday~~ 4th Thursday preceding the election. An application for registration in person or by mail may be accepted for placement on the registration list after the specified deadline, if the municipal clerk determines

that the registration list can be revised to incorporate the registration in time for the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of any register of deeds or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for all locations. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

History: 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1989 a. 31, 192; 1991 a. 221; 1999 a. 49, 182; 2001 a. 38, 51; 2003 a. 265.

SECTION 5. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made ~~in writing~~ by mail, the application, signed by the elector, shall be received no later than 5 p.m. on the ~~Friday~~ Wednesday immediately preceding the election. If application is made in person, the application shall be made no later than 5 p.m. on the day preceding the election. If the ~~elector is making written application and the application~~ indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on the day preceding the election day. If ~~the an~~ application from a sequestered juror is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk

or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or *or, in municipalities where absentee ballots are canvassed under s. 7.52,* agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If *to the inspector* application is made under sub. (2), the application may be received no later than 5 p.m. on the ~~Friday-Wednesday~~ immediately preceding the election.

FWS 4A
History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265.

SECTION 6. 6.86 (3) (c) of the statutes is amended to read:

6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day of the before an election. A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used to check that the electors vote only once, and by absentee ballot. If identification is required, the municipal clerk shall so inform the agent and the elector shall enclose identification in the envelope with the ballot. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery at the polling place serving the hospitalized elector's residence before the closing hour for the ballot to be counted.

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265.

SECTION 7. 6.87 (6) of the statutes is amended to read:

6.87 (6) The ballot shall be returned so it is received by the municipal clerk in time for delivery no later than noon on election day. If the municipal clerk receives

(Not) Except in municipalities where absentee ballots are canvassed under s. 7.52(2), IF

an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polls polling place serving the elector's residence before the closing hour. Any ballot not mailed or delivered as provided in this subsection may not be counted.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265.

SECTION 8. 7.10 (3) (a) of the statutes is amended to read:

7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks no later than ~~31~~ 32 days before each September primary and general election and no later than ~~22~~ 23 days before each other primary and election. Election forms prepared by the board shall be distributed at the same time. If the board transmits an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected ballots to the municipal clerks as soon as possible.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265.

SECTION 9. 7.15 (1) (cm) of the statutes is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and send an official absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send an official absentee ballot ~~within one day of the time~~ no later than the end of the 2nd day beginning after the day on which the elector's request is received.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447; 1979 c. 260, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 182; 2001 a. 16; 2003 a. 265.

SECTION 10. 10.06 (1) (h) of the statutes is amended to read:

10.06 (1) (h) As soon as possible after the deadline for determining ballot arrangement for the September primary ~~on~~, but no later than the Thursday after the 3rd Tuesday in July, the board shall send a type B notice to each county clerk certifying the list of candidates for the September primary.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24.

SECTION 11. 10.06 (2) (b) of the statutes is amended to read:

10.06 (2) (b) ~~Upon~~ As soon as possible after receipt of the type B notice from the board preceding the spring election, but no later than the Thursday after the 2nd Tuesday in January, each county clerk shall add any county offices, ~~prepare~~ begin preparation of the ballots, and send notice to each municipal clerk of the spring primary. When there is no state spring primary within the county and there is no presidential preference primary scheduled for the date of the spring primary, but there is to be a county spring primary, the county clerk shall prepare the ballots and send notice to each municipal clerk.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24.

SECTION 12. 10.06 (2) (e) of the statutes is amended to read:

10.06 (2) (e) ~~Upon~~ As soon as possible after receipt of the type B notice from the board, but no later than the Thursday after the first Tuesday in March, each county clerk shall add any county offices and referenda, ~~prepare~~ begin preparation of the ballots and send notice to each municipal clerk of the coming spring election.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24.

SECTION 13. 10.06 (2) (j) of the statutes is created to read:

10.06 (2) (j) No later than the Monday after the county clerk receives from the board a type B notice for the September primary, the county clerk shall add the county offices and the county referenda, if any, begin preparation of the ballots and send notice to each municipal clerk of the coming September primary.

SECTION 14. 10.06 (2) (k) of the statutes is amended to read:

10.06 (2) (k) ~~Upon~~ As soon as possible following receipt of the type B notice from the board preceding the general election, but no later than the Thursday after the 4th Tuesday in September, the county clerk shall add county offices and referenda, if any, and send notice to each municipal clerk of the coming general election and prepare ~~begin preparation of~~ the ballots.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24.

SECTION 15. Effective date.

(1) This act takes effect on January 1, 2006, or the day after publication, whichever is later.

(END)

FWS
7A
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ASSEMBLY BILL 542

1 SECTION 98. 7.41 (3) (a) of the statutes is amended to read:

2 7.41 (3) (a) Disrupts the operation of the polling place or satellite absentee
3 voting station; or

4 SECTION 99. 7.41 (3) (b) of the statutes is amended to read:

5 7.41 (3) (b) Violates s. 12.03 (2) or (2m).

6 SECTION 100. 7.51 (1) of the statutes is amended to read:

7 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close all of the
8 inspectors except any inspector appointed under s. 7.30 (1) (b) shall proceed to
9 canvass publicly all votes received at the polling place. In any municipality where
10 an electronic voting system is used, the municipal governing body or board of election
11 commissioners may provide or authorize the municipal clerk or executive director of
12 the board of election commissioners to provide for the adjournment of the canvass to
13 one or more central counting locations for specified polling places in the manner
14 prescribed in subch. III of ch. 5. No central counting location may be used to count
15 votes at a polling place where an electronic voting system is not employed. The
16 canvass, whether conducted at the polling place or at a central counting location,
17 shall continue without adjournment until the canvass of all ballots cast at the polling
18 place is completed and the return statements for those ballots are made. The
19 inspectors shall not permit access to the name of any elector who has obtained a
20 confidential listing under s. 6.47 (2) during the canvass, except as authorized in s.
21 6.47 (8).

22 SECTION ~~101~~. 7.51 (2) (c) of the statutes is amended to read:

23 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
24 electors as indicated on the poll list, the inspectors shall place all ballots face up to
25 check for blank ballots. In this paragraph, "blank ballot" means a ballot on which

ASSEMBLY BILL 542

SECTION 101

5B.2

Except in municipalities where absentee ballots are canvassed under s. 7.52(2) if

no votes are cast for any office or question. The inspectors shall mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds the number of voting electors, the inspectors shall place all ballots face down and proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal clerk. During the count the inspectors shall count those ballots cast by challenged electors the same as the other ballots.

restore

SECTION 102. 7.51 (2) (e) of the statutes is amended to read:

Except in municipalities where absentee ballots are canvassed under s. 7.52, if

7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still exceeds the total number of electors recorded on the poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an excess number of absentee ballots, the inspectors shall place the absentee ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of absentee ballots. If there is an excess number of nonabsentee ballots, the inspectors shall place those ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All ballots so removed may not be counted but shall be specially marked as having been removed by the inspectors on original canvass due to an excess number of ballots, set aside and preserved. When the number of ballots and total shown on the poll list agree, the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, the inspectors shall separate them into piles for ballots similarly

restore

ASSEMBLY BILL 542

1 voted. Objections may be made to placement of ballots in the piles at the time the
2 separation is made.

3 **SECTION 103.** 7.51 (3) (d) of the statutes is renumbered 7.52 (4) (i) and amended
4 to read:

5 ~~7.51 (3) (d)~~ *Except in municipalities where absentee*
6 ~~7.52 (4) (i)~~ All absentee certificate envelopes which have been opened shall be *ballots are*
7 returned by the ~~inspectors~~ *board of canvassers* to the municipal clerk in a securely *canvassed*
8 sealed carrier envelope which is clearly marked "used absentee certificate *under*
9 envelopes". The envelopes shall be signed by the chief inspector and 2 other *s.*
10 inspectors ~~each member of the board of canvassers~~. Except when the ballots are used *7.52,*
11 in a municipal or school district election only, the municipal clerk shall transmit the *all*
12 used envelopes to the county clerk.

13 **SECTION 104.** 7.51 (4) (a) of the statutes is amended to read:

14 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
15 office and for each individual receiving votes for that office, whether or not the
16 individual's name appears on the ballot, and shall state the vote for and against each
17 proposition voted on. Upon completion of the tally sheets, the inspectors shall
18 immediately complete inspectors' statements in duplicate. The inspectors shall state
19 the excess, if any, by which the number of ballots exceeds the number of electors
20 voting as shown by the poll list and shall state the number of the last elector as shown
21 by the poll lists. At least 3 inspectors, including the chief inspector and, unless
22 election officials are appointed under s. 7.30 (4) (c) without regard to party affiliation,
23 at least one inspector representing each political party, but not including any
24 inspector appointed under s. 7.30 (1) (b), shall then certify to the correctness of the
25 statements and tally sheets and sign their names. All other election officials
assisting with the tally shall also certify to the correctness of the tally sheets. When

ASSEMBLY BILL 542

the tally is complete, the inspectors shall publicly announce the results from the statements.

SECTION 105 7.51 (5) (b) of the statutes is amended to read:

7.51 (5) (b) The municipal clerk shall arrange for delivery of all ballots, statements, tally sheets, lists, and envelopes relating to a school district election to the school district clerk. The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk by 2 p.m. on the 2nd day following each such election. *or, in municipalities where absentee ballots are canvassed under s. 7.52,* The person delivering the returns shall be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

SECTION 106 7.52 of the statutes is created to read:

7.52 Canvassing of absentee ballots. (1) *shall, at* At one or more times no earlier than the 7th day after absentee ballots are distributed for each election under s. 7.15 (1) (cm) and no later than 10 a.m. on the day after an election, ~~the municipal board of canvassers designated under s. 7.53 (1) or (2) shall~~ publicly convene to count the absentee ballots for the municipality. The municipal clerk shall give at least 48 hours' notice of any meeting under this subsection. Any member of the public has the same right of access to a meeting of the municipal board of canvassers under this subsection that the individual would have under s. 7.41 to observe the proceedings at a polling place. The board of canvassers may order the removal of any individual exercising the right to observe the proceedings if the individual disrupts the meeting.

(2) In counting the absentee ballots, the board of canvassers shall use 2 duplicate copies of a single poll list for the entire municipality prepared in accordance

Not The governing body of any municipality may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the municipal board of canvassers designated under s. 7.53 (1) or (2) shall canvass all absentee ballots at all elections held in the municipality. *Thereafter, at every election, the board of canvassers,*

ASSEMBLY BILL 542

1 with s. 6.36 (2). Upon accepting each absentee ballot, the board of canvassers shall
2 enter a poll list number on the poll list next to the name of the elector who voted the
3 ballot, beginning with the number one. If the elector's name does not appear on the
4 poll list, the board of canvassers shall enter the number on a separate list maintained
5 under this subsection.

6 (4) (a) The board of canvassers shall then open the ballot box and remove and
7 count the number of ballots therein without examination except as is necessary to
8 ascertain that each is a single ballot. The board of canvassers shall mark the poll list
9 number of each elector who casts an absentee ballot on the back of the elector's ballot.
10 If 2 or more ballots are folded together so as to appear as a single ballot, the board
11 of canvassers shall lay them aside until the count is completed; and if, after a
12 comparison of the count and the appearance of the ballots it appears to the board of
13 canvassers that the ballots folded together were voted by the same person they shall
14 not be counted but the board of canvassers shall mark them as to the reason for
15 removal, set them aside, and carefully preserve them. The board of canvassers shall
16 then proceed under par. (b).

17 (b) When during the counting of the ballots cast at an election the board of
18 canvassers finds that a ballot is so defective that it cannot determine with reasonable
19 certainty for whom it was cast, the board of canvassers shall so mark the ballot and
20 preserve it. The board of canvassers shall not count the vote cast on the ballot for
21 any office for which it determines the ballot to be defective.

22 (c) Whenever the number of ballots exceeds the number of voting electors as
23 indicated on the poll list, the board of canvassers shall place all ballots face up to
24 check for blank ballots. In this paragraph, "blank ballot" means a ballot on which
25 no votes are cast for any office or question. The board of canvassers shall mark, lay

ASSEMBLY BILL 542

5 B: 6

1 aside, and preserve any blank ballots. If the number of ballots still exceeds the
2 number of voting electors, the board of canvassers shall place all ballots face down
3 and proceed to check for the initials. The inspectors shall mark, lay aside, and
4 preserve any ballot not bearing the initials of the municipal clerk. During the count
5 the board of canvassers shall count those ballots cast by challenged electors the same
6 as the other ballots.

7 (d) The board of canvassers shall keep a written statement, in duplicate, of the
8 number of ballots set aside and the number of defective ballots and challenged
9 ballots. The statement shall contain a record of the reasons for setting aside each
10 ballot and the reasons why each defective or challenged ballot is defective or
11 challenged. The board of canvassers shall certify that the statement is correct, sign
12 it, and attach it to the tally sheets.

13 (e) If, after any ballots have been laid aside, the number of ballots still exceeds
14 the total number of electors recorded on the poll list, the board of canvassers shall
15 place the absentee ballots in the ballot box and one of the members shall publicly and
16 without examination draw therefrom by chance the number of ballots equal to the
17 excess number of ballots. All ballots so removed shall not be counted but shall be
18 specially marked as having been removed by the board of canvassers on original
19 canvass due to an excess number of ballots, set aside, and preserved. When the
20 number of ballots and total shown on the poll list agree, the board of canvassers shall
21 return all ballots to be counted to the ballot box and shall turn the ballot box in such
22 manner as to thoroughly mix the ballots. The board of canvassers shall then open,
23 count, and record the number of votes. When the ballots are counted, the board of
24 canvassers shall separate them into piles for ballots similarly voted. Objections may
25 be made to placement of ballots in the piles at the time the separation is made.

ASSEMBLY BILL 542

5B:71

(f) If corrected ballots under s. 5.72 (3) are distributed under s. 5.72 (3) or 7.10 (3), only the votes cast on the corrected ballots may be counted for any office or referendum in which the original ballots differ from the corrected ballots.

(g) The board of canvassers shall place together all ballots counted by it which relate to any national, state, or county office or any state, county, or technical college district referendum and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots, together with any ballots marked "Defective," shall then be secured by the board of canvassers in the ballot container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The board of canvassers shall place the ballots cast under s. 6.97 in a separate, securely sealed carrier envelope which is clearly marked "Section 6.97 ballots." Each member of the board of canvassers shall sign the carrier envelope. The carrier envelope shall not be placed in the ballot container. The board of canvassers shall then deliver the ballots to the municipal clerk in the ballot container and carrier envelope.

(h) For ballots that relate only to municipal or school district offices or referenda, the board of canvassers, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper, and deliver them and the keys therefor to the municipal or school district clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

ins 67-21

(6) (a) The board of canvassers shall review each certificate envelope to determine whether any absentee ballot is cast by an elector whose name appears on the poll list as ineligible to vote at the election. If the board of canvassers receives an absentee ballot that has been cast by an elector whose name appears on the poll

ASSEMBLY BILL 542

list as ineligible to vote, the inspectors shall challenge the ballot in the same manner as provided for inspectors making challenges under s. 6.92 and shall treat the ballot in the manner as provided for treatment of challenged ballots by inspectors under s. 6.95.

(b) Any elector may challenge for cause any absentee ballot other than a ballot that was cast in person under s. 6.86 (1) (a) 2. or under s. 6.873. For the purpose of deciding upon ballots that are challenged for any reason, the board of canvassers may call before it any person whose absentee ballot is challenged if the person is available to be called. If the person challenged refuses to answer fully any relevant questions put to him or her by the board of canvassers under s. 6.92, the board of canvassers shall reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the members of the board of canvassers shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election." If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the board of canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

ASSEMBLY BILL 542

1 (7) The board of canvassers shall maintain tally sheets on forms provided by
2 the municipal clerk, which shall state the total number of votes cast for each office
3 and for each individual receiving votes for that office, whether or not the individual's
4 name appears on the ballot, and shall state the vote for and against each proposition
5 voted on. If the board of canvassers recesses without completing the canvass of the
6 absentee ballots, the municipal clerk shall secure the tally sheets, together with all
7 ballots, envelopes, and other materials, and shall deliver them to the board of
8 canvassers at its next meeting under sub. (1). Upon completion of the canvass of the
9 absentee ballots, the board of canvassers shall immediately complete statements in
10 duplicate. The statements shall state the excess, if any, by which the number of
11 ballots exceeds the number of electors voting as shown by the poll list used by the
12 board of canvassers under this section and shall state the poll list number of the last
13 elector as shown by the poll list. Each member of the board of canvassers shall then
14 certify to the correctness of the statements and tally sheets and sign their names.
15 All other election officials assisting with the tally shall also certify to the correctness
16 of the tally sheets. If the board of canvassers meets under sub. (1) before the day after
17 election day, the canvassers shall not announce the results and the records of the
18 count are not open to public inspection and copying under s. 19.35 (1). When the tally
19 is complete, the board of canvassers shall publicly announce the results from the
20 statements and the records of the count are open to public inspection and copying
21 under s. 19.35 (1).

22 (8) The board of canvassers shall make full and accurate return of the votes cast
23 for each candidate and proposition on the tally sheet forms. Each tally sheet shall
24 record the returns for each office or referendum by ward, unless combined returns
25 are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall

ASSEMBLY BILL 542

record the returns for each group of combined wards. After recording the votes, the board of canvassers shall seal in a carrier envelope outside the ballot bag or container one inspector's statement under sub. (4) (d), one tally sheet, and one poll list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda. The board of canvassers shall also similarly seal one statement, one tally sheet, and one poll list for delivery to the municipal clerk.

SECTION 107. 7.53 (1) of the statutes is amended to read:

7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board of canvassers. After the canvass of the absentee ballots is completed under s. 7.52, the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. Upon completion of the canvass under this section and s. 7.52 and ascertainment of the results by the inspectors board of canvassers, the municipal clerk shall publicly read to the board of canvassers the names of the persons voted for and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors board of canvassers to have won nomination or election to each municipal office and the number of votes cast for and against each municipal referendum question.

SECTION 108. 7.53 (2) (d) of the statutes is amended to read:

(a) The governing body of any municipality that has provided by ordinance for the canvassing of absentee ballots at all elections held in the municipality under this section may by similar action rescind that decision. Thereafter, the absentee ballots at all elections held in the municipality shall be canvassed as provided in s. 6.11 PP.

restore

In municipalities where absentee ballots are canvassed under s. 7.52, after

or, in municipalities where absentee ballots are canvassed under s. 7.52, by the inspectors and the

enacted under Sub. (1)

ASSEMBLY BILL 542

SECTION 108

1 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
2 returns of every municipal election. The canvass shall begin within 24 hours after
3 the polls close as soon as possible after the canvass of absentee ballots is completed
4 under s. 7.52 but no later than 9 a.m. on the 2nd day after election day. After the
5 canvass of the absentee ballots is completed under s. 7.52, the board of canvassers
6 shall reconcile the poll list of the electors who vote by absentee ballot with the
7 corresponding poll list of the electors who vote in person to ensure that no elector is
8 allowed to cast more than one ballot. If an elector who votes in person has submitted
9 an absentee ballot, the absentee ballot is void. At the spring election, the board of
10 canvassers shall publicly declare the results on or before the 2nd Tuesday in April.
11 The board of canvassers shall prepare a statement showing the results of each
12 election for any municipal office and each municipal referendum. After each primary
13 for municipal offices, the board of canvassers shall prepare a statement certifying the
14 names of those persons who have won nomination to office. After each other election
15 for a municipal office and each municipal referendum, the board of canvassers shall
16 prepare a determination showing the names of the persons who are elected to each
17 municipal office and the results of each municipal referendum. The board of
18 canvassers shall file each statement and determination in the office of the municipal
19 clerk or board of election commissioners.

20 **SECTION 109.** 7.60 (3) of the statutes is amended to read:

21 7.60 (3) CANVASSING. Not later than 9 a.m. on the Thursday Friday after each
22 election the county board of canvassers shall open and publicly examine the returns.
23 If returns have not been received from any election district or ward in the county,
24 they shall dispatch a messenger and the person having them shall deliver the
25 returns to the messenger. If, on examination, any of the returns received are so

5B:11

except in municipalities where absentee
ballots are canvassed under s. 7.52. In
municipalities where absentee
ballots are canvassed under
s. 7.52, the canvass
shall begin

not later than
9 a.m. on the Friday
after each election,
s. 7.52,

5 B:12

1 informal or defective that the board cannot intelligently canvass them, they shall
2 dispatch a messenger to deliver the returns back to the municipal board of
3 canvassers with written specifications of the informalities or defects and command
4 them to immediately complete the returns or remedy the defects in the manner
5 required and deliver them to the messenger. Every messenger shall safely keep all
6 returns, show them to no one but the municipal clerk and board of canvassers and
7 deliver them to the county clerk with all possible dispatch. To acquire the necessary
8 full returns and remedy any informalities or defects the county board of canvassers
9 may adjourn not longer than one day at a time nor more than 2 days in all.

10 ~~SECTION 110. 12.03 (title) of the statutes is amended to read:~~

11 ~~**12.03 (title) Election day Restricted campaigning restricted.**~~

12 ~~SECTION 111. 12.03 (1) of the statutes is amended to read:~~

13 ~~12.03 (1) No election official may engage in electioneering on election day. This~~
14 ~~subsection does not apply to an election official who is appointed under s. 6.285 or~~
15 ~~6.873 and is not serving as an election official on election day.~~

16 ~~SECTION 112. 12.03 (1m) of the statutes is created to read:~~

17 ~~12.03 (1m) No election official appointed under s. 6.285 or 6.873 may engage~~
18 ~~in electioneering at a satellite absentee voting station designated under s. 6.873 (1)~~
19 ~~on any day during which absentee ballots may be cast at the voting station.~~

20 ~~SECTION 113. 12.03 (2m) of the statutes is created to read:~~

21 ~~12.03 (2m) (a) No person may engage in electioneering within any building, or~~
22 ~~at the doors to any building, in which a satellite absentee voting station is designated~~
23 ~~under s. 6.873 (1) on any day during which absentee ballots may be cast at the voting~~
24 ~~station. This paragraph applies to electioneering on private property only if the~~

ASSEMBLY BILL 542

(1), the elector may vote in and be considered a resident of the new ward or municipality where residing upon updating his or her registration under s. 6.28 (4) (b), transferring his or her registration under s. 6.40 (1), or registering at the proper polling place or other registration location in the new ward or municipality under s. 6.285 (2) or 6.55 (2). If an elector moves from one ward to another or from one municipality to another within the state after the last registration day but at least 10 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon transferring registration under s. 6.40 (1) or upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.285 (2) or 6.55 (2) or 6.86 (3) (a) 2. If the elector moves within 10 days of an election, the elector shall vote in the elector's old ward or municipality if otherwise qualified to vote there.

SECTION 13. 6.15 (4) (a) to (e) of the statutes are amended to read:

6.15 (4) (a) Clerks holding new resident ballots shall deliver them to the election inspectors in the proper ward or election district where the new residents reside municipal board of canvassers when it convenes under s. 7.52 (1), as provided by s. 6.88 for absentee ballots.

(b) During polling hours, the inspectors The board of canvassers shall open each carrier envelope, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the municipal board of canvassers

(c) The inspectors board of canvassers shall open the inner envelope without examination of the ballot other than is necessary to see that the issuing clerk has endorsed it.

(d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors board of canvassers shall deposit the ballot in the ballot box. The

or, in municipalities where absentee ballots are canvassed under s. 7.52, to the shall perform this function at a meeting of the board of canvassers.

ASSEMBLY BILL 542

SECTION 13

1 inspectors board of canvassers shall enter the name of each elector voting under this
 2 section on the poll list with an indication that the elector is voting under this section
 3 or on a separate list maintained for the purpose under s. 6.79 (2) (c).

4 (e) If the person is not a qualified elector in the ward or municipality, or if the
 5 envelope is open or has been opened and resealed, the inspectors shall reject the vote.
 6 Rejected ballots shall be processed the same as rejected absentee ballots, under s.
 7 6.88 (3) (b).

8 ~~SECTION 14.~~ 6.15 (6) of the statutes is amended to read:

9 ~~6.15 (6)~~ DEATH OF ELECTOR. When it appears by due proof to the inspectors board
 10 of canvassers that a person voting under this section at an election has died before
 11 the date of the election, the inspectors board of canvassers shall return the ballot
 12 with defective ballots to the issuing official.

13 ~~SECTION 15.~~ 6.21 of the statutes is renumbered 7.52 (9) and amended to read:

14 7.52 (9) When by due proof it appears to the inspectors board of canvassers that
 15 a person voting under this section casting an absentee ballot at an election has died
 16 before the date of the election, they the inspectors or board of canvassers shall return the ballot
 17 with defective ballots to the issuing official. The casting of the ballot of a deceased
 18 elector does not invalidate the election.

19 ~~SECTION 16.~~ 6.26 (2) (c) of the statutes is amended to read:

20 6.26 (2) (c) No individual may serve as a special registration deputy in a
 21 municipality unless the individual is certified by the board under s. 7.31 to serve in
 22 that position and is either appointed by the municipal clerk or board of election
 23 commissioners of the municipality or the individual is appointed by the elections
 24 board to serve all municipalities.

25 ~~SECTION 17.~~ 6.26 (2) (d) of the statutes is amended to read:

or, in
municipalities
where
absentee
ballots
are
canvassed
under
s.
7.52,
when it
appears
by
due proof
to the

or, in
municipalities
where
absentee
ballots
are
canvassed
under s.
7.52,
when it
appears
by due
proof to
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ASSEMBLY BILL 542

SECTION 55. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made in writing, the application, signed by the elector, shall be received no later than 5 p.m. on the Friday immediately preceding the election. If application is made in person, the application shall be made no later than 5 p.m. on the day preceding the election. If the elector is making written application and the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place ^{or, in} municipal ^{where} clerk ^{absentee} ^{ballot} as required in s. 6.88. If application is made under sub. (2), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 56. 6.86 (3) (c) of the statutes is amended to read:

6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day ^{before an} of the election. A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used to check that the electors vote only once, and by absentee ballot. If identification is required, the municipal clerk shall so inform the agent and the elector shall enclose identification in the envelope with the ballot. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail

ASSEMBLY BILL 542

SECTION 56

4A:2
Vote

1 or by personal delivery of the agent; but if the ballot is returned on the day of the
2 election, the agent shall make personal delivery at the polling place serving the
3 hospitalized elector's residence before the closing hour for the ballot to be counted to
4 the municipal clerk no later than 8 p.m. on election day.

in or
municipalities
where absentee
ballots are
canvassed
under
§
7.52,

end
4A

5 **SECTION 57.** 6.86 (6) of the statutes is created to read:

6 6.86 (6) Any elector may challenge for cause any person offering to cast an
7 absentee ballot in person at the office of the municipal clerk whom the elector knows
8 or suspects is not a qualified elector. The municipal clerk or deputy clerk shall treat
9 the challenge in the same manner as provided for inspectors making challenges
10 under ss. 6.925, 6.94, and 6.95.

11 **SECTION 58.** 6.87 (3) (a) of the statutes is amended to read:

12 6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in
13 s. ss. 6.873 and 6.875, the municipal clerk shall mail the absentee ballot postage
14 prepaid for return to the elector's residence unless otherwise directed, or shall
15 deliver it to the elector personally at the clerk's office.

16 **SECTION 59.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265,
17 section 112a, is amended to read:

18 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
19 shall make and subscribe to the certification before one witness. The absent elector,
20 in the presence of the witness, shall mark the ballot in a manner that will not disclose
21 how the elector's vote is cast. The elector shall then, still in the presence of the
22 witness, fold the ballots so each is separate and so that the elector conceals the
23 markings thereon and deposit them in the proper envelope. If a consolidated ballot
24 under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the
25 markings thereon and deposit the ballot in the proper envelope. If the elector has

ASSEMBLY BILL 542

SA:1

restore

1 (e) *Challenge*. Any elector may challenge for cause any person offering to cast
2 an absentee ballot at a satellite absentee voting station whom the elector knows or
3 suspects is not a qualified elector. The special voting deputy shall treat the challenge
4 in the same manner as provided for inspectors making challenges under ss. 6.925,
5 6.94, and 6.95.

SA

6 SECTION ~~62~~ 6.88 (1) of the statutes is amended to read:

7 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
8 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
9 sealed and endorsed with the name and official title of the clerk, and the words "This
10 envelope contains the ballot of an absent elector and must be opened at the polls
11 during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52,
12 a meeting of the municipal board of canvassers
13 under s. 7.52". If the ballot was received by the elector by facsimile transmission or
14 electronic mail and is accompanied by a separate certificate, the clerk shall enclose
15 the ballot in a certificate envelope and securely append the completed certificate to
16 the outside of the envelope before enclosing the ballot in the carrier envelope. The
17 clerk shall keep the ballot in the clerk's office until delivered, as required in sub. (2).

17 SECTION ~~63~~ 6.88 (2) of the statutes is amended to read:

18 6.88 (2) When an absentee ballot is received by the municipal clerk prior to the
19 delivery of the official ballots to the election officials of the ward in which the elector
20 resides municipal board of canvassers, the municipal clerk shall seal the ballot
21 envelope in the carrier envelope as provided under sub. (1), and shall enclose the
22 envelope in a package and deliver the package to the election inspectors of the proper
23 ward or election district. When the official ballots for the ward or election district
24 have been delivered to the election officials before the receipt of an absentee ballot,
25 the clerk shall immediately enclose the envelope containing the absentee ballot in

restore

inspectors

or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of canvassers when it convenes

under s. 7.52

or, where absentee ballots are canvassed under s. 7.52, the

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ASSEMBLY BILL 542

1 a carrier envelope as provided under sub. (1) and deliver it in person to the proper
2 election officials municipal board of canvassers when it convenes under s. 7.52.

3 **SECTION 64.** 6.88 (3) (a) of the statutes is renumbered 7.52 (3) and amended to
4 read:

5 7.52 (3) Any time between the opening and closing of the polls on election day,
6 the inspectors The board of canvassers shall first open the carrier envelope only, and
7 announce the name of the absent elector or the identification serial number of the
8 absent elector if the elector has a confidential listing under s. 6.47 (2). When the
9 inspectors find board of canvassers finds that the certification has been properly
10 executed, the applicant is a qualified elector of the ward or election district, and the
11 applicant has not voted in the election, they the board of canvassers shall enter an
12 indication on the poll list next to the applicant's name indicating an absentee ballot
13 is cast by the elector. They The board of canvassers shall then open the envelope
14 containing the ballot in a manner so as not to deface or destroy the certification
15 thereon. The inspectors board of canvassers shall take out the ballot without
16 unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast
17 under s. 6.95, the inspectors board of canvassers shall verify that the ballot has been
18 endorsed by the issuing clerk or special voting deputy. If the poll list indicates that
19 identification is required and no identification is enclosed or the name or address on
20 the document that is provided is not the same as the name and address shown on the
21 poll list, the inspectors or if the ballot was cast under s. 6.873 and the envelope does
22 not contain the signature of the special voting deputy to whom identification was
23 provided, the board of canvassers shall proceed as provided under s. 6.97 (2). The
24 inspectors board of canvassers shall then deposit the ballot into the proper ballot box
25 and enter the absent elector's name or voting poll list number after his or her name.

ASSEMBLY BILL 542

IA 13

1 on the poll list in the same manner as if the elector had been present and voted in
2 person.

3 SECTION 65. 6.88 (3) (b) of the statutes is renumbered 6.88 (3).

4 SECTION 66. 6.93 (title) of the statutes is repealed.

5 SECTION 67. 6.93 of the statutes is renumbered 7.52 (5) and amended to read:

6 7.52 (5) The vote of any absent elector may be challenged for cause and the
7 inspectors of election municipal board of canvassers shall have all the power and
8 authority given them the inspectors to hear and determine the legality of the ballot
9 the same as if the ballot had been voted in person.

10 SECTION ~~68~~ 6.935 of the statutes is amended to read:

11 **6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any
12 challenge of a person's right to vote under s. 6.92, 6.925 ~~or~~ 6.93 7.52 (5) based on an
13 allegation that an elector is incapable of understanding the objective of the elective
14 process and thereby ineligible to vote.

15 SECTION ~~69~~ 6.97 (1) of the statutes is amended to read:

16 6.97 (1) Whenever any individual who is required to provide identification in
17 order to be permitted to vote appears to vote at a polling place ~~or satellite absentee~~
18 ~~voting station~~ and cannot provide the required identification, ~~or the individual has~~
19 ~~not provided identification as provided in s. 7.52 (3).~~ 6.88(3)(a) or the inspectors shall offer the
20 opportunity for the individual to vote under this section. If the individual wishes to
21 vote, the inspectors shall provide the elector with an envelope marked "Ballot under
22 s. 6.97, stats.," on which the serial number of the elector is entered and shall require
23 the individual to execute on the envelope a written affirmation stating that the
24 individual is a qualified elector of the ward or election district where he or she offers
25 to vote and is eligible to vote in the election. The inspectors shall, before giving the

ASSEMBLY BILL 542

5A:4

1 elector a ballot, write on the back of the ballot the serial number ~~or registration list~~
2 ~~number under s. 6.873 (4) (d) 1.~~ of the individual corresponding to the number kept
3 at the election on the poll list ~~or registration list~~ or other list maintained under s. 6.79
4 ~~or s. 6.873 (4) (d) 1.~~ and the notation "s. 6.97". If voting machines are used in the
5 municipality where the individual is voting, the individual's vote may be received
6 only upon an absentee ballot furnished by the municipal clerk which shall have the
7 corresponding number from the poll list or other list maintained under s. 6.79 (2) (c),
8 ~~or the registration list if the elector is voting under s. 6.873 (4) 1.~~ and the notation "s.
9 6.97" written on the back of the ballot by the inspectors ~~or special voting deputy~~
10 before the ballot is given to the elector. When receiving the individual's ballot, the
11 inspectors ~~or special voting deputy~~ shall provide the individual with written voting
12 information prescribed by the board under s. 7.08 (8). The inspectors ~~or special~~
13 ~~voting deputy~~ shall indicate on the list the fact that the individual is required to
14 provide identification but did not do so. The inspectors ~~or special voting deputy~~ shall
15 notify the individual that he or she may provide identification to the municipal clerk
16 or executive director of the municipal board of election commissioners. The
17 inspectors ~~or special voting deputy~~ shall also promptly notify the municipal clerk or
18 executive director of the name, address, and ~~either the serial number or, if voting~~
19 ~~under s. 6.873 (4), the registration list number~~ of the individual. The inspectors ~~or~~
20 ~~special voting deputy~~ shall then place the ballot inside the certificate envelope on
21 which the elector's serial number or registration list number has been entered and
22 place the that envelope in a separate carrier envelope.

23 SECTION ~~70.~~ 6.97 (2) of the statutes is amended to read:

24 6.97 (2) Whenever any individual who votes by absentee ballot is required to
25 provide identification in order to be permitted to vote and does not provide the

ASSEMBLY BILL 542

5A:5

or, in municipalities where absentee ballots are canvassed under s. 7.52, the

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or in municipalities where absentee ballots are canvassed under s. 7.52, the

or

1 required identification, the inspectors municipal board of canvassers shall write on
2 the back of the absentee ballot the serial number of the individual corresponding to
3 the number kept at the election on the poll list or other list maintained under s. 6.79
4 and the notation "s. 6.97". The inspectors board of canvassers shall indicate on the
5 poll list the fact that the individual is required to provide identification but did not
6 do so. The inspectors board of canvassers shall promptly notify the municipal clerk
7 or executive director of the municipal board of election commissioners of the name,
8 address, and serial poll list number of the individual. The inspectors board of
9 canvassers shall then place the ballot inside an envelope on which the name and
10 serial number of the elector is entered and shall place the envelope in a separate
11 carrier envelope.

12 **SECTION 71.** 7.03 (1) (a) of the statutes is amended to read:

13 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily
14 compensation shall be paid to each inspector, voting machine custodian, automatic
15 tabulating equipment technician, member of a board of canvassers, messenger, and
16 tabulator who is employed and performing duties under chs. 5 to 12. Daily
17 compensation shall also be provided to officials inspectors and inspector trainees for
18 attendance at training programs conducted by the board under s. 7.31. Alternatively,
19 such election officials and trainees may be paid by the hour at a proportionate rate
20 for each hour actually worked. Any election official or trainee may choose to
21 volunteer his or her services by filing with the municipal clerk of the municipality
22 in which he or she serves a written declination to accept compensation. The
23 volunteer status of the election official or trainee remains effective until the official
24 or trainee files a written revocation with the municipal clerk.

25 **SECTION 72.** 7.03 (1) (d) of the statutes is amended to read:

Section #. 6.88 (3) of the statutes is amended to read:

Except in municipalities where absentee ballots are canvassed under s. 7.52, at any

6.88 (3) (a) ~~Any~~ time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that identification is required and no identification is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

(b) When the inspectors find that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind or that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election dis-

MS 46-3.2

~~Section #. 6.88 (3) (b) of the statutes is amended to read:~~

6.88 (3) (b) When the inspectors find that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind or ^{except in} that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the municipal clerk in the same manner as official ballots voted at the election. ^{municipalities where absentee ballots are canvassed under S. 7.52,}

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; 2001 a. 38, 109; 2003 a. 265.

Pas 47-9

Section #. 6.93 of the statutes is amended to read:

6.93 Challenging the absent elector. The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if the ballot had been voted in person. *In municipalities*

Cross Reference: See also s. ElBd 9.04, Wis. adm. code.

Where absentee ballots are canvassed under s. 7.52, the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

ASSEMBLY BILL 542

1 a carrier envelope as provided under sub. (1) and deliver it in person to the proper
2 election officials municipal board of canvassers when it convenes under s. 7.52.

3 **SECTION 64.** 6.88 (3) (a) of the statutes is renumbered 7.52 (3) and amended to
4 read:

5 7.52 (3) Any time between the opening and closing of the polls on election day,
6 ~~the inspectors~~ The board of canvassers shall first open the carrier envelope only, and
7 announce the name of the absent elector or the identification serial number of the
8 absent elector if the elector has a confidential listing under s. 6.47 (2). When the
9 ~~inspectors find~~ board of canvassers finds that the certification has been properly
10 executed, the applicant is a qualified elector of the ward or election district, and the
11 applicant has not voted in the election, ~~they~~ the board of canvassers shall enter an
12 indication on the poll list next to the applicant's name indicating an absentee ballot
13 is cast by the elector. ~~They~~ The board of canvassers shall then open the envelope
14 containing the ballot in a manner so as not to deface or destroy the certification
15 thereon. ~~The inspectors~~ board of canvassers shall take out the ballot without
16 unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast
17 under s. 6.95, ~~the inspectors~~ board of canvassers shall verify that the ballot has been
18 endorsed by the issuing clerk ~~or special voting deputy~~. If the poll list indicates that
19 identification is required and no identification is enclosed or the name or address on
20 the document that is provided is not the same as the name and address shown on the
21 poll list, ~~the inspectors or if the ballot was cast under s. 6.873 and the envelope does~~
22 ~~not contain the signature of the special voting deputy to whom identification was~~
23 ~~provided~~, the board of canvassers shall proceed as provided under s. 6.97 (2). The
24 ~~inspectors~~ board of canvassers shall then deposit the ballot into the proper ballot box
25 and enter the absent elector's name or ~~voting~~ poll list number after his or her name

INS 65-5:2

ASSEMBLY BILL 542

1 on the poll list in the same manner as if the elector had been present and voted in
2 person.

3 ~~SECTION 65. 6.88 (3) (b) of the statutes is renumbered 6.88 (3).~~

4 ~~SECTION 66. 6.93 (title) of the statutes is repealed.~~

5 ~~SECTION 67. 6.93 of the statutes is renumbered 7.52 (5) and amended to read:~~

6 ~~7.52 (5) The vote of any absent elector may be challenged for cause and the~~
7 ~~inspectors of election municipal board of canvassers shall have all the power and~~
8 ~~authority given them the inspectors to hear and determine the legality of the ballot~~
9 ~~the same as if the ballot had been voted in person.~~

10 ~~SECTION 68. 6.935 of the statutes is amended to read:~~

11 ~~**6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any~~
12 ~~challenge of a person's right to vote under s. 6.92, 6.925 or 6.93 7.52 (5) based on an~~
13 ~~allegation that an elector is incapable of understanding the objective of the elective~~
14 ~~process and thereby ineligible to vote.~~

15 ~~SECTION 69. 6.97 (1) of the statutes is amended to read:~~

16 ~~6.97 (1) Whenever any individual who is required to provide identification in~~
17 ~~order to be permitted to vote appears to vote at a polling place or satellite absentee~~
18 ~~voting station and cannot provide the required identification, or the individual has~~
19 ~~not provided identification as provided in s. 7.52 (3). the inspectors shall offer the~~
20 ~~opportunity for the individual to vote under this section. If the individual wishes to~~
21 ~~vote, the inspectors shall provide the elector with an envelope marked "Ballot under~~
22 ~~s. 6.97, stats.," on which the serial number of the elector is entered and shall require~~
23 ~~the individual to execute on the envelope a written affirmation stating that the~~
24 ~~individual is a qualified elector of the ward or election district where he or she offers~~
25 ~~to vote and is eligible to vote in the election. The inspectors shall, before giving the~~

Ans 65-5:3

Section #. 6.88 (3) (b) of the statutes is amended to read:

6.88 (3) (b) When the ^{board of canvassers finds} inspectors find that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind or that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the ^{board of canvassers} inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. ^{Each member of the board of canvassers} The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". ^{board of canvassers} The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. ^{Each member of the board of canvassers} The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing ^{and shall sign the statement.} each of the 2 major political parties and returned to the municipal clerk in the same manner as official ^{The board of canvassers shall return the} ballots voted at the election. ^{envelopes containing the ballots}

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; 2001 a. 38, 109; 2003 a. 265.

Section #. 7.51 (3) (d) of the statutes is amended to read:

(i)
~~7.51 (3) (d)~~ All absentee certificate envelopes which have been opened shall be returned by the ~~inspectors~~ *board of canvassers* to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used absentee certificate envelopes". The envelopes shall be signed by the chief inspector and ~~2 other inspectors~~ *each member of the board of canvassers*. Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109; 2003 a. 265.

7NS61-21:2

Section #. 6.93 of the statutes is amended to read:

(B)
(5)

~~6.93 Challenging the absent elector.~~ The vote of any absent elector may be challenged for cause and the ~~inspectors of election~~ *board of canvassers* shall have all the power and authority given ~~them~~ *the inspectors* to hear and determine the legality of the ballot the same as if the ballot had been voted in person.

~~Cross Reference: See also s. EHBd 9.04, Wis. adm. code.~~

SENATE BILL 249

1 property is owned or controlled by the person who consented under s. 6.873 (1) to the
2 designation of the voting station.

3 (b) Except as otherwise provided in this subsection, no person may engage in
4 electioneering within 100 feet of a satellite absentee voting station that is designated
5 under s. 6.873 (1) and that is not located within a building on any day during which
6 absentee ballots may be cast at the voting station. This paragraph applies to
7 electioneering on private property only if the property is owned or controlled by the
8 person who consented under s. 6.873 (1) to the designation of the voting station. This
9 paragraph does not apply to the placement of any material on the bumper of a motor
10 vehicle.

11 **SECTION 114.** 12.07 (2) of the statutes is amended to read:

12 12.07 (2) No employer may refuse to allow an employee to serve as an election
13 official under s. 7.30 or make any threats or offer any inducements of any kind to the
14 employee for the purpose of preventing the employee from so serving.

15 **SECTION 115.** 12.13 (3) (gm) of the statutes is created to read:

16 12.13 (3) (gm) Use or allow the use of any birth date information obtained
17 under s. 6.36 (1) (b) 1. am. for a commercial purpose, or post or allow the posting of
18 any such information on the Internet.

19 **SECTION 116.** 12.13 (3) (x) of the statutes is amended to read:

20 12.13 (3) (x) Refuse to obey a lawful order of an inspector or special voting
21 deputy made for the purpose of enforcing the election laws; engage in disorderly
22 behavior at or near a polling place or at or near a satellite absentee voting station
23 designated under s. 6.873 (1); or interrupt or disturb the voting or canvassing
24 proceedings.

25 **SECTION 117.** 12.13 (3) (ze) of the statutes is created to read:

12.13 (3) (ze) Compensate a person for obtaining voter registrations from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.

SECTION 118. 12.60 (1) (a) of the statutes is amended to read:

12.60 (1) (a) Whoever violates s. 12.09, 12.11, or 12.13 (1), (2) (b) 1. to 7., or (3) (a), (e), (f), (gm), (j), (k), (L), (m), (y), or (z) is guilty of a Class I felony.

SECTION 119. 12.60 (1) (b) of the statutes is amended to read:

12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08, or 12.13 (2) (b) 8., or (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm), or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

SECTION 120. 17.29 of the statutes is amended to read:

17.29 Effect of chapter. The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except ch. 7 ss. 6.26 (2) (b), 6.28 (2) (b), 6.285, 6.55 (6), 6.873, 6.875, and 7.30 relating to appointed election officers appointed for the election wards or polling places in the state officials and ch. 21 relating to the military staff of the governor and to officers of the Wisconsin national guard; and shall govern all offices whether created by general law or special act, unless otherwise specially provided.

SECTION 121. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

SENATE BILL 249

2005-06 2006-07

20.510 Elections Board

(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

(e) Election administration costs —

state funds GPR A -0- -0-

SECTION 122. 20.510 (1) (bm) of the statutes is amended to read:

20.510 (1) (bm) *Training of chief inspectors election officials*. Biennially, the amounts in the schedule for training of chief inspectors election officials under s. 7.31.

SECTION ~~123~~. 20.510 (1) (e) of the statutes is created to read:

20.510 (1) (e) *Election administration costs — state funds*. The amounts in the schedule to pay for election administration costs not financed under par. (t) or (x).

SECTION 124. 110.08 (1r) of the statutes is created to read:

110.08 (1r) Operator's license examiners shall perform those duties required under s. 6.28 (4).

SECTION 125. 301.03 (20) of the statutes is created to read:

301.03 (20) Transmit to the elections board, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

SECTION 126. 343.14 (2r) of the statutes is created to read:

343.14 (2r) The forms for application for a license or identification card or for renewal thereof shall include the information required under s. 6.33 (1m).

ASSEMBLY BILL 542

SECTION 127. 343.178 of the statutes is created to read:

343.178 Voter registration. (1) Based upon application information specified under s. 343.14 (2r), the department shall accept and process applications for voter registration under s. 6.28 (4).

(2) The department shall withhold access to information in the records of the department identifying at which office of the department an applicant for an operator's license or identification card, or for renewal of an operator's license or identification card, has registered to vote or revealing an applicant's decision not to register to vote, except that the department shall provide this information to the elections board upon request of the board.

SECTION 128. 343.22 (3m) of the statutes is created to read:

343.22 (3m) Whenever any registered elector of this state, after applying for or receiving an operator's license or an identification card, changes his or her name or changes his or her address from the address specified in the application, license, or identification card to a different address within this state, the elector may update his or her voter registration information on a form provided by the department at an office of the department under s. 6.28 (4) (b).

SECTION 129. 343.22 (4) of the statutes is amended to read:

343.22 (4) Any person who fails to comply with any of the requirements of this section subs. (1) to (3) may be required to forfeit not more than \$50.

SECTION 130. 880.33 (9) of the statutes is amended to read:

880.33 (9) All the rights and privileges afforded a proposed incompetent under this section shall be given to any person who is alleged to be ineligible to register to vote or to vote in an election by reason that such person is incapable of understanding the objective of the elective process. The determination of the court shall be limited

ASSEMBLY BILL 542

1 to a finding that the elector is either eligible or ineligible to register to vote or to vote
2 in an election by reason that the person is or is not capable of understanding the
3 objective of the elective process. The determination of the court shall be
4 communicated in writing by the clerk of court to the election official or agency
5 charged under s. 6.48, 6.92, 6.925 ~~or~~ 6.93 ^{or} 7.52 (5) with the responsibility for
6 determining challenges to registration and voting which may be directed against
7 that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
8 and any subsequent determination of the court shall be likewise communicated by
9 the clerk of court.

10 **SECTION 131. Effective dates.** This act takes effect on January 1, 2006, or the
11 day after publication, whichever is later, except as follows:

12 (1) The treatment of sections 6.10 (3), 6.26 (2) (d), 6.275 (title), (2), and (3), 6.28
13 (title), (1), (3), and (4), 6.33 (1), (1m), (2) (a), 6.40 (1) (a) 1. and (c), 6.55 (2) (d), 7.03
14 (1) (d), 7.08 (1) (c), 110.08 (1r), 343.14 (2r), 343.178, and 343.22 (3m) and (4) of the
15 statutes takes effect on the first day of the 7th month beginning after publication.

16 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3459/1dn

JTK.....

Wj

Senator Coggs:

1. Some of the items in the instructions specified that deadlines for the performance of certain acts should be changed to allow more time for election officials to perform their work. Because I do not have instructions for any specified revised deadlines, I have inserted new deadlines in this draft solely for the purpose of enabling the drafting to proceed to completion. These deadlines relate to the following:

- a. Absentee ballot application by mail [ss. 6.22 (4) and 6.86 (1) (b), stats.].
- b. Absentee ballot application by sequestered jurors [s. 6.86 (1) (b), stats.].
- c. Absentee ballot application by hospitalized electors [s. 6.86 (3) (c), stats.].
- d. Receipt of absentee ballots at office of municipal clerk [s. 6.87 (6), stats.].
- e. Ballot transmittal [s. 7.10 (3) (a), stats.].
- f. Mailing of absentee ballots [s. 7.15 (1) (cm), stats.].
- g. Ballot information transmittal [s. 10.06 (1) (h) and (2) (b), (e) and (k), stats. and proposed s. 10.06 (2) (j), stats.].

Please review each of these deadlines and make appropriate adjustments if needed to reflect your policy choices. The adjustment of some deadlines without changing other deadlines or procedures may make it difficult or impossible to adhere to the adjusted deadline.

2. You requested that the dates for county clerks and boards of election commissioners to submit ballot forms be advanced or that first class cities be permitted to print their own ballots. Currently, first class cities may prepare their own ballots under s. 7.15 (2) (b), stats. However, s. 5.68 (3), stats. provides that if a municipality uses an electronic voting system, its ballots shall be prepared by the county. This draft provides that first class cities may prepare their own ballots, at county expense, even if they use an electronic voting system. The draft also gives county clerks and boards of election commissioners 2 days to take in ballot information from the Elections Board, add the county offices and referenda, and transmit this information to municipalities. Currently, there is no specific deadline provided for this responsibility. The draft also

SP

requires county clerks and boards of election commissioners to distribute ballots to municipalities (if the counties prepare them) one day earlier than currently provided.

3. Concerning the counting of absentee ballots, this draft is the same as the governor's recommendation as contained in his comprehensive election reform package, except that under the governor's recommendation, municipalities would be required to count absentee ballots centrally rather than at polling places as currently provided. Under this draft, municipalities would be permitted to use a central count. The instructions alluded to the fact that if absentee ballots were counted early, they would only be recorded but not opened. Under the governor's proposal, the absentee ballots are actually opened and the votes are canvassed publicly before election day, but no results are released until after election day. Please let me know if you see a need for further adjustments in the governor's recommendation.

4. Per your request, this draft contains an appropriation for state assistance to counties and municipalities for election administration costs. Because I do not have instructions for any specified amounts at this point, the draft specifies "\$-0-" for expenditure in fiscal years 2005-06 and 2006-07. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3459/1dn
JTK:wj:ch

August 24, 2005

Senator Coggs:

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- g. Ballot information transmittal [s. 10.06 (1) (h) and (2) (b), (e) and (k), stats., and proposed s. 10.06 (2) (j), stats.].

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